

Message Text

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12

ACTION EA-09

INFO OCT-01 ISO-00 AID-05 L-03 ST-01 FS-01 SS-15 SP-02

OPR-02 A-01 /040 W

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R 070403Z JAN 76

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 5902

LIMITED OFFICIAL USE VIENTIANE 0043

DEPT ALSO PASS AID

E.O. 11652: N/A

TAGS: EAID, PFOR, LA, US

SUBJECT: LAO GOVERNMENT POSITION ON OFFICIAL AND PERSONAL
PROPERTY OF USAID/LAOS AND ITS EMPLOYEES

REF: A. STATE 001211 (AIDAC)

B. VIENTIANE 5211

C. VIENTIANE 5189

1. LAO GOVERNMENT HAS NEVER CITED NOTE 499 IN EXCHANGES
ON THIS SUBJECT AND SPECIFICALLY HAS NEVER RESPONDED TO THE
SENTENCE CITED IN PARA ONE, REF A.

2. IT APPEARS TO US, HOWEVER, THAT LAO NOTE 357/AE.AP
OF AUGUST (REF B) IMPLICITLY REJECTS THE POSITION WE SET
FORTH IN NOTE 499 WHEN IT STATES THAT "ALL GOODS NOW WITHIN
THE COMPOUND OF THE USAID BUILDING ARE PRESUMED TO BELONG TO
IT (PGNU) AND MUST IN CONSEQUENCE BE TURNED OVER TO THE PGNU
OF LAOS IN ACCORDANCE WITH THE AGREEMENT OF MAY 27, 1975"
(THAT AGREEMENT PROVIDES ONLY THAT PROPERTY UNDER PROJECT
AGREEMENTS BE TURNED OVER, BUT THE LAO HAVE ALWAYS
INTERPRETED IT AS COVERING ALL USAID PROPERTY AND INDEED
ANYTHING HAVING ANY CONNECTION WITH USAID.)

3. WE NOTE ALSO THAT IN LAO NOTE 353/AE.AP OF
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AUGUST 11 (REF C) THE MINISTRY OF FOREIGN AFFAIRS STATES

THAT:

(A) IT "ABSOLUTELY CANNOT BE ACCOUNTABLE FOR WHAT HAS BEFALLEN THE GOODS AND VEHICLES OF THESE OFFICIALS" (AT USAID FIELD OFFICES, WHO ALLEGEDLY FAILED TO NOTIFY MFA OR LOCAL LAO AUTHORITIES OF THEIR INTENT TO DEPART); AND

(B) THE MAY 27 AGREEMENT REQUIRED THAT "PERSONAL BELONGINGS OF USAID EMPLOYEES BE SENT HOME BEFORE JUNE 30." (THE MAY 27 AGREEMENT CONTAINED NO SUCH PROVISION, BUT THAT WOULD APPEAR TO BE BESIDE THE POINT.)

4. WE THINK THE ONLY INFERENCE TO BE DRAWN FROM THESE NOTES IS THAT THE LAO CONSIDER ALL OFFICIAL AND PERSONAL PROPERTY OF USAID/LAOS AND ITS EMPLOYEES THAT REMAINED IN LAOS ON OR AFTER JUNE 30, 1975, TO BELONG TO THE LAO GOVERNMENT.

5. PRACTICAL EXPERIENCE SINCE JUNE 30 INDICATES THAT LAO GOVERNMENT IS ADHERING TO THIS POSITION. THE ONLY ITEM OF PROPERTY RETURNED TO US FROM NA HAI DIAO (IN AUGUST), FOR EXAMPLE, WAS A FORKLIFT CLEARLY IDENTIFIED AS EMBASSY PROPERTY THAT HAD BEEN INTRODUCED INTO THE COMPOUND IN MID-JUNE ON A DAY WHEN WE BELIEVED WE WOULD BE ABLE TO REMOVE COMMISSARY STOCK AND HAD BEEN IMPOUNDED. FABRICATED OR ACTUAL CONNECTION WITH USAID HAS PROVIDED THE "RATIONALE," INSOFAR AS ANY EXISTS OR HAS BEEN CONVEYED TO US, FOR SUCH ACTIONS AS JUNE 28 SEIZURE OF EMBASSY GSO COMPOUND (THE LAO ALLEGE THAT UNIVERSAL AMERICAN ENTERPRISES PERFORMED VEHICLE MAINTENANCE, ETC., FOR USAID THERE) AND (APPARENTLY) THE FREEZING IN SEPTEMBER OF U.S.D.O. KIP ACCOUNT AT NATIONAL BANK OF LAOS.

6. DECONTROL JUNE 30, 1976. CORCORAN

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